

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:24-cv-00481-FL**

SUSAN JANE HOGARTH,)	
)	
Plaintiff,)	
)	
v.)	ANSWER OF DEFENDANT DA
)	LORRIN FREEMAN
KAREN BRINSON BELL, et al.)	
)	
Defendants.)	

NOW COMES Defendant District Attorney Lorrin Freeman (Defendant), in her official capacity, and hereby answers Plaintiff's Complaint [DE 1] and First Verified Supplemental Complaint [DE 65] as follows:

INTRODUCTION

1. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

2. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

3. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

4. Denied that the North Carolina State Board of Elections has authority to threaten criminal prosecution. Defendant lacks sufficient knowledge or information to form

a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

5. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

6. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

7. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

8. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

THE PARTIES

Plaintiff

9. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

10. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

Defendants

11. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

12. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

13. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

14. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

15. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the

allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

16. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

17. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

18. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

19. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

20. Admitted that Defendant is the Wake County District Attorney. This paragraph includes legal conclusions to which no response is required. Except as expressly admitted, Defendant denies each and every allegation of this paragraph.

21. Admitted that at the time of the filing of the Complaint, Josh Stein was the North Carolina Attorney General. Denied that he currently holds this position. The

remaining allegations contained in this paragraph are legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

22. This paragraph is a legal conclusion. To the extent a response is required, it is denied.

23. Admitted that Plaintiff brought her claim against Defendant in her official capacity only. Except as expressly admitted, Defendant denies each and every allegation of this paragraph.

JURISDICTION

24. It is admitted that Plaintiff purports to bring her action pursuant to the Civil Rights Act of 1871, 42 U.S.C. §§ 1983 and 1988. Except as expressly admitted, Defendant denies each and every allegation of this paragraph.

25. This paragraph is a legal conclusion. To the extent a response is required, it is denied.

26. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

27. This paragraph is a legal conclusion. To the extent a response is required, it is denied.

VENUE

28. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the

allegations regarding Plaintiff's residence. To the extent an answer is required, the allegations are denied.

29. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

FACTUAL ALLEGATIONS

Five Provisions of North Carolina Law Ban Ballot Selfies

30. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

31. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

32. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

33. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

34. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

35. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

36. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

37. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

38. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

39. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

40. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

41. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

42. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

43. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

44. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

45. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

46. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

47. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

48. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

Hogarth Takes a Ballot Selfie and Shares It on Social Media

49. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

50. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

51. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

52. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

53. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

54. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

55. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied..

56. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

57. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

58. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

59. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

60. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

61. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

62. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

63. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

64. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

65. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

66. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

67. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

68. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

69. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

70. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

71. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

The State Board Demands Hogarth Remove Her Ballot Selfie, Threatening Criminal Prosecution

72. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Defendant otherwise lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

73. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

74. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Denied that the State Board of Elections has the authority to threaten criminal prosecution. Except as specifically admitted and denied, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied

75. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Except as specifically admitted, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

76. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Except as specifically admitted, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

77. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Except as specifically admitted, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

78. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Except as

specifically admitted, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

79. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Denied that the State Board of Elections has the authority to threaten criminal prosecution. Except as specifically admitted and denied, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

80. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Except as specifically admitted, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

81. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Except as specifically admitted, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

82. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

83. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Except as

specifically admitted, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

The State Board Warns Voters That Photographing Their Ballots is Illegal, Investigates Reports of Ballot Selfies, and Refers Ballot Selfies to District Attorneys for Prosecution

84. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

85. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

86. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

87. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

88. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

89. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

90. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

91. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

92. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

93. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

94. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

95. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

96. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

97. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

The County Board Warns Voters That Ballot Selfies Are Illegal and Reports Election

Law Violations to the State Board

98. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

99. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

100. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

101. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

102. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

103. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

104. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

**Hogarth Will Not Take Down Her Ballot Selfie and Will Continue Taking and Sharing
Ballot Selfies in the Future**

105. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

106. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

107. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

108. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

109. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

110. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

111. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

112. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

113. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

Hogarth Will Vote for Herself in the November 5, 2024 Election and Plans to Take and

Share a Ballot Selfie That Day

114. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

115. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

116. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

117. Admitted.

118. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

119. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

120. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

121. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

122. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

123. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

INJURIES TO PLAINTIFF

124. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

125. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

126. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

127. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

128. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

129. This paragraph includes legal conclusions to which no response is required. Denied that Exhibit A threatens criminal prosecution. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

130. This paragraph includes legal conclusions to which no response is required. Denied that Exhibit A threatens criminal prosecution. Defendant lacks sufficient knowledge

or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

131. This paragraph includes legal conclusions to which no response is required. Denied that Plaintiff faces a credible threat of criminal prosecution for her March 5, 2024 ballot selfie. To the extent an answer is required, the allegations are denied.

132. This paragraph includes legal conclusions to which no response is required. Denied that Plaintiff faces a credible threat of criminal prosecution for her taking and sharing a ballot selfie in the November 2024 election. To the extent an answer is required, the allegations are denied.

133. This paragraph includes legal conclusions to which no response is required. Denied that Exhibit A threatens criminal prosecution. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

134. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

CLAIMS FOR DECLARATORY AND INJUNCTIVE RELIEF

FIRST CAUSE OF ACTION

The Ballot Photography Provisions Violate the First Amendment

(As-Applied Challenge Against All Defendants)

135. No response is necessary to this paragraph.

136. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

137. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

138. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

139. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

140. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

141. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

142. Admitted that the allegations contained in this paragraph reference Exhibit A to Plaintiff's Complaint, which, if authentic, is the best evidence of its contents. Except as expressly admitted, Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

143. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

144. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

145. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

146. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

147. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

148. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

149. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

150. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

151. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

152. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

153. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

154. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

155. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

156. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

157. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

158. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

159. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

160. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

161. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

162. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

163. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

164. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

165. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

166. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

167. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

168. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

169. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

SECOND CAUSE OF ACTION

The Voting Enclosure Provision Violates the First Amendment

(As-Applied Challenge Against All Defendants)

170. No response is necessary to this paragraph.

171. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

172. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

173. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

174. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

175. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

176. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

177. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

178. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

179. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

180. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

181. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

182. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

183. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

184. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

185. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

186. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

187. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

THIRD CAUSE OF ACTION

The State Board's March 13, 2024 Demand Letter

Violates the First Amendment

(As-Applied Challenge Against State Board Defendants, Wake County District Attorney, and North Carolina Attorney General)

188. No response is necessary to this paragraph.

189. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

190. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

191. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

192. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

193. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

194. Denied that Investigator Brinton possesses authority to prosecute criminal offenses. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

195. This paragraph includes legal conclusions to which no response is required. Denied that the State Board Defendants possess authority to prosecute criminal offenses. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

196. This paragraph includes legal conclusions to which no response is required. Denied that the State Board Defendants possess authority to prosecute criminal offenses. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

197. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

198. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

199. This paragraph includes legal conclusions to which no response is required. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

200. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

201. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

202. Denied that the Wake County District Attorney took any action against Hogarth regarding her March 5, 2024 ballot selfie post. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

203. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

204. This paragraph includes legal conclusions to which no response is required. To the extent an answer is required, the allegations are denied.

ANSWER TO FIRST VERIFIED SUPPLEMENTAL COMPLAINT [DE 65]

1. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

2. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

3. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

4. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

5. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

6. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

7. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

8. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

9. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

10. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied

11. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

12. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

13. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

14. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

15. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

16. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

17. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

18. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

19. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

20. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

21. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

22. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

23. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

24. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

25. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

26. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

27. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

28. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph. To the extent an answer is required, the allegations are denied.

FIRST DEFENSE

Answer to Complaint

SECOND DEFENSE

Plaintiff fails to state a claim upon which relief can be granted.

THIRD DEFENSE

The Eleventh Amendment bars Plaintiff's claims.

FOURTH DEFENSE

Qualified immunity.

FIFTH DEFENSE

Lack of subject matter jurisdiction.

SIXTH DEFENSE

Defendant denies she is a proper party to this action.

SEVENTH DEFENSE

Prosecutorial Immunity.

WHEREFORE, Defendant DA Lorrin Freeman prays that this action be dismissed with prejudice, that Plaintiff recover nothing, that Plaintiff be taxed with the costs of this action, and that these Defendant be granted such other relief as the Court may deem just and proper.

Submitted, this the 11th day of April, 2025.

JEFF JACKSON
Attorney General

/s/Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. State Bar No. 28885
E-mail: eobrien@ncdoj.gov
N.C. Department of Justice
P.O. Box 629
Raleigh, NC 27602-0629
Telephone: (919) 716-6800
Fax: (919) 716-6755
Counsel for Defendant Freeman

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day electronically filed the foregoing **ANSWER OF DEFENDANT DA LORRIN FREEMAN** using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system.

This the 11th day of April, 2025.

/s/ Elizabeth Curran O'Brien
Elizabeth Curran O'Brien
Special Deputy Attorney General
N.C. Department of Justice